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/s/Short/ Reg. No. 45,105
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**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Serial No: 10/779,825	Attorney Docket No: BP2431
Application Filing Date: 02-17-2004	Inventor(s): Gottfried Ungerboeck
Examiner: TIMORY, KABIR A	
Art Group: 2611	Patent No: n/a
Confirmation No: 9140	Patent Issue Date: n/a
Title: Zero excess bandwidth modulation	

Date: 04-06-2009

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to a non-final office action mailed on 01-05-2009 (Part of Paper No./Mail Date 20081228) regarding the above-identified U.S. utility patent application, the Applicant respectfully submits the following amendment/response that is being filed within three (3) months of the mailing date thereof.

The three (3) month due date for responding to the office action falls on Sunday, 04-05-2009, and the Applicant respectfully asserts that this amendment/response being filed on the next succeeding business day on which the USPTO is open, namely, Monday, 04-06-2009, is timely filed in accordance with M.P.E.P. § 710.05, 35 U.S.C. § 21, and 37 C.F.R. § 1.7.